

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAPP INSULATORS LLC.,
Plaintiff,

v.

ORDER
09-CV-694A

ROBERT FEMIGNANI,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On March 9, 2011, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is denied.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 29, 2011